

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New MexicoUnited States of America
v.ABNER JOE
*Defendant(s)*Case No. 16-MJ-3138 AUG 08 2016**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO**MATTHEW J. DYKMAN**
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 08/04/2016 in the county of San Juan in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, USC 111	assaulting, resisting, or impeding a Federal Officer.

This criminal complaint is based on these facts:
See attached affidavit☒ Continued on the attached sheet.
Complainant's signatureSpecial Agent Kalon Fancher
Printed name and title

Sworn to before me and signed in my presence.

Date: 08/08/2016
Judge's signatureCity and state: Farmington, NM**B. Paul Briones, US Magistrate Judge**
Printed name and title

KTN/AUSA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

State of New Mexico)

County of San Juan)

AFFIDAVIT

I, Kalon Fancher being duly sworn, hereby, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been employed in that capacity since February 2012. I am currently assigned to the Albuquerque Division of the FBI, and have primary investigative responsibility in violent crimes occurring in Indian Country such as robbery, aggravated assaults, assaults on Federal Officers, and homicide.
2. The information set forth in this affidavit has been derived from an investigation conducted by SA Kalon Fancher, Farmington Resident Agency of the FBI and Criminal Investigator (CI) Jerrick Curley of the Navajo Department of Criminal Investigation.

PROBABLE CAUSE

3. On or about August 04, 2016, Law Enforcement Officers with the Navajo Nation Police Department responded to a dispatch call of a family disturbance occurring at a residence located at Northwest Subdivision Lot 13 House 11 Shiprock, New Mexico. Navajo Police Officers, Jane Doe, referred to herein as "BH" and John Doe, referred to herein as "DT" were then advised by family member that the subject causing the disturbance, ABNER JOE, referred to herein as "ABNER," an enrolled member of the Navajo Nation, was hiding in a tarp covered trailer near

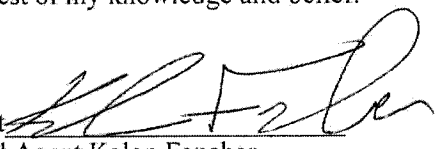
the residence located at Northwest Subdivision Lot 13 House 11 Shiprock, New Mexico, on the Navajo Indian Reservation. Officers arrived at the location and made contact with ABNER, who was lying on the floor of the tarp covered trailer. As Officers BH and DT approached the trailer, ABNER began yelling at the Officers "Get away from me, I have a gun, I am going to shoot you," refusing to follow Officer DT's commands to come out from under the tarp. ABNER continued to yell at the Officers "Fuck Navajo Police Officers," and threw a hammer at the Officers in an attempt to hit the Officers. DT successfully deployed his taser in an attempt to subdue ABNER but ABNER was able to pull the connected taser probe out of his abdomen area. ABNER then grabbed a 2"x4" board and began advancing towards BH and DT in a threatening manner. DT commanded ABNER to "get on the ground" or DT would tase ABNER again. ABNER complied and he was placed under arrest for Disorderly Conduct.

4. ABNER was placed in the back seat of BH's marked police car in preparation for BH to transport ABNER to the Navajo Nation Corrections facility. BH transported ABNER to the Navajo Nation Corrections facility while DT followed separately. While being transported ABNER was yelling at BH "You fucking fagot police, you're going to die tonight, I'm going to say a prayer and you BH are going to die, your family too, your unit is going to catch fire and you're going to burn."
5. Upon arrival to the Navajo Nation Corrections facility, BH instructed ABNER to get out of the back seat of BH's police car. ABNER got out of BH's Police car and was standing near the left rear open car door. BH instructed ABNER to walk inside of the corrections facility. ABNER leaned into BH's personal space and forcefully spit on BH. The spit made physical contact with BH's face. BH stated she could feel the wetness from the spit on her cheeks and upper lip. BH raised her hand to ABNER's face and pushed his face away from her in an attempt to keep ABNER from spitting on her again, mitigating the chance that she contract any diseases from ABNER. ABNER was booked into the Navajo Correctional facility on the tribal charges of aggravated battery, threatening, assault and disorderly conduct.

SUMMARY

6. At the time of the incident with ABNER on or about August 04, 2016, BH was employed as a Navajo Nation Police Officer who retained a Bureau of Indian Affairs Special Law Enforcement Commission card issued on or about May 12, 2014, and as such was a Federal Officer.
7. In view of the above facts, the affiant submits there is probable cause to believe that on or about August 04, 2016, ABNER knowingly committed an assault upon BH, a Navajo Nation Police Officer who was commissioned by the Bureau of Indian Affairs. ABNER spit on EB and made several threats, including throwing a hammer, threatening EB with a 2"x4" board. The incident occurred within the District of New Mexico, in violation of title 18, United States Code, Section 111, assaulting, resisting, or impeding a Federal Officer.

I swear that this information is true and correct to the best of my knowledge and belief.

Affiant 
Special Agent Kalon Fancher
Federal Bureau of Investigation

Subscribed and sworn before me
on this 8th day of August, 2016.


United States Magistrate Judge

